Patent Docket P2930R1C10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of David Botstein et al. Serial No.: Not Yet Assigned Filed: Herewith For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME	Group Art Unit: Not Yet Assigned Examiner: Not Yet Assigned Express Mail Label No.: EL 889 330 957 US December 27, 2001

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

In the Specification:

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

This is a continuation application claiming priority under 35 USC §120 to US serial number 09/866,034 filed 5/25/01 which claims priority under 35 USC §120 to PCT international application numbers: PCT/US99/12252, filed June 2, 1999; PCT/US99/28634, filed December 1, 1999; PCT/US99/28551, filed December 2, 1999; PCT/US00/03565, February 11, 2000; PCT/US00/04414, filed February 22, 2000; PCT/US00/05841, filed March 2, 2000; PCT/US00/08439, filed March 30, 2000; PCT/US00/14941, filed May 30, 2000; PCT/US00/15264, filed June 2, 2000; PCT/US00/32678, filed December 1, 2000; and which claims priority under 35 USC § 119 to US provisional application numbers: 60/095,325, filed August 4, 1998; 60/112,851, filed December 16, 1998; 60/113,145, filed December 16, 1998; 60/113,511, filed December 22, 1998; 60/115,558, filed January 12, 1999; 60/115,565, filed January 12, 1999; 60/115,733, filed January 12, 1999; 60/119,341, filed February 9, 1999; 60/119,537, filed February 10, 1999; 60/119,965, filed

February 12, 1999;60/162,506, filed October 29, 1999;60/170,262, filed December 9, 1999;60/187,202, filed March 3, 2000, the entire disclosures of which are hereby incorporated by reference.--

In the Claims:

Please cancel Claims 1-21 without prejudice or disclaimer.

Please add new Claims 22-41 as follows.

--22. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

23. (New) The isolated nucleic acid of Claim 22 having at least 85% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

24. (New) The isolated nucleic acid of Claim 22 having at least 90% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

25. (New) The isolated nucleic acid of Claim 22 having at least 95% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

26. (New) The isolated nucleic acid of Claim 22 having at least 99% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

27. (New) An isolated nucleic acid comprising:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

28. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7).

29. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide.

30. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7).

31. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its

associated signal peptide.

32. (New) The isolated nucleic acid of Claim 27 comprising the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6).

33. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6).

34. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

35. (New) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 4 (SEQ ID NO:7), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 3 (SEQ ID NO:6); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203661.

36. (New) The isolated nucleic acid of Claim 35, wherein said hybridization occurs under stringent conditions.

37. (New) The isolated nucleic acid of Claim 35 which is at least 10 nucleotides in length.

38. (New) A vector comprising the nucleic acid of Claim 22.

39. (New) The vector of Claim 38, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

40. (New) A host cell comprising the vector of Claim 38.

41. (New) The host cell of Claim 40, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

REMARKS

Claims 1-21 have been cancelled. New Claims 22-41 have been added. Applicants respectfully request early entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650)225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the and by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,

GENENTECH, INC.

Date: December 27, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

A new paragraph beginning at page 1, line 2 has been added.

In the claims:

Claims 1-21 have been cancelled.

Claims 22-41 have been added.